

House Study Bill 523

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN RIGHTS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the division of criminal and juvenile justice
2 planning of the department of human rights by making changes
3 to the membership of the council, permitting access to the
4 records of the department of workforce development, and
5 modifying the sex offender treatment and supervision task
6 force.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 5175DP 82
9 jm/rj/8

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1 1 Section 1. Section 216A.132, subsection 1, Code Supplement
1 2 2007, is amended to read as follows:
1 3 1. A criminal and juvenile justice planning advisory
1 4 council is established consisting of ~~twenty-two~~ twenty-three
1 5 members.
1 6 Sec. 2. Section 216A.132, subsection 1, paragraph b, Code
1 7 Supplement 2007, is amended to read as follows:
1 8 b. The departments of human services, corrections, and
1 9 public safety, the division on the status of
1 10 African-Americans, the Iowa department of public health, the
1 11 chairperson of the board of parole, the attorney general, the
1 12 state public defender, the governor's office of drug control
1 13 policy, and the chief justice of the supreme court shall each
1 14 designate a person to serve on the council. The person
1 15 appointed by the Iowa department of public health shall be
1 16 from the departmental staff who administer the comprehensive
1 17 substance abuse program under chapter 125.
1 18 Sec. 3. Section 216A.136, unnumbered paragraph 1, Code
1 19 2007, is amended to read as follows:
1 20 The division shall maintain an Iowa statistical analysis
1 21 center for the purpose of coordinating with data resource
1 22 agencies to provide data and analytical information to
1 23 federal, state, and local governments, and assist agencies in
1 24 the use of criminal and juvenile justice data.
1 25 Notwithstanding any other provision of state law, unless
1 26 prohibited by federal law or regulation, the division shall be
1 27 granted access, for purposes of research and evaluation, to
1 28 criminal history records, official juvenile court records,
1 29 juvenile court social records, and any other data collected or
1 30 under control of the board of parole, department of
1 31 corrections, department of workforce development, district
1 32 departments of correctional services, department of human
1 33 services, judicial branch, and department of public safety.
1 34 However, intelligence data and peace officer investigative
1 35 reports maintained by the department of public safety shall
2 1 not be considered data for the purposes of this section. Any
2 2 record, data, or information obtained by the division under
2 3 this section and the division itself is subject to the federal
2 4 and state confidentiality laws and regulations which are
2 5 applicable to the original record, data, or information
2 6 obtained by the division and to the original custodian of the
2 7 record, data, or information. The access shall include but is
2 8 not limited to all of the following:
2 9 Sec. 4. Section 216A.136, Code 2007, is amended by adding
2 10 the following new subsection:
2 11 NEW SUBSECTION. 13. Employment records maintained under
2 12 section 96.11.
2 13 Sec. 5. NEW SECTION. 216A.139 SEX OFFENDER RESEARCH
2 14 COUNCIL.
2 15 1. The division shall establish and maintain a council to

2 16 study and make recommendations for treating and supervising
2 17 adult and juvenile sex offenders in institutions,
2 18 community-based programs, and in the community.
2 19 2. Members of the council shall include members of the
2 20 general assembly selected by the legislative council and one
2 21 representative of each of the following:

- 2 22 a. The department of corrections.
- 2 23 b. The department of human services.
- 2 24 c. The department of public safety.
- 2 25 d. The state public defender.
- 2 26 e. The department of public health.
- 2 27 f. The juvenile court appointed by the judicial branch.
- 2 28 g. A judicial district department of correctional
2 29 services.
- 2 30 h. The board of parole.
- 2 31 i. The department of justice.
- 2 32 j. The Iowa county attorneys association.
- 2 33 k. The Iowa civil liberties union.
- 2 34 l. The Iowa state sheriffs' and deputies' association.
- 2 35 m. The Iowa coalition against sexual assault.

3 1 3. The council shall study the following:

- 3 2 a. The effectiveness of electronically monitoring sex
3 3 offenders.
- 3 4 b. The cost and effectiveness of special sentences
3 5 pursuant to chapter 903B.
- 3 6 c. Risk assessment models created for sex offenders.
- 3 7 d. Determining the best treatment programs available for
3 8 sex offenders and the efforts of Iowa and other states to
3 9 implement treatment programs.
- 3 10 e. The efforts of Iowa and other states to prevent sex
3 11 abuse related crimes including child sex abuse.
- 3 12 f. Any other issues the council deems necessary, including
3 13 but not limited to computer and internet sex-related crimes,
3 14 sex offender case management, best practices for sex offender
3 15 supervision, the sex offender registry, and the effectiveness
3 16 of safety zones.

3 17 4. The council shall submit a report, beginning January
3 18 15, 2009, and every year thereafter by January 15, to the
3 19 governor and general assembly regarding actions taken, issues
3 20 studied, and council recommendations.

3 21 5. Members of the council shall receive actual and
3 22 necessary expenses incurred while attending any meeting of the
3 23 council and may also be eligible to receive compensation as
3 24 provided in section 7E.6. All expense moneys paid to the
3 25 nonlegislative members shall be paid from funds appropriated
3 26 to the division. Legislative members shall receive
3 27 compensation as provided in sections 2.10 and 2.12.

3 28 6. Vacancies shall be filled by the original appointing
3 29 authority in the manner of the original appointments.

3 30 Sec. 6. 2005 Iowa Acts, chapter 158, section 52, is
3 31 repealed.

3 32 EXPLANATION

3 33 This bill relates to the division of criminal and juvenile
3 34 justice and planning of the department of human rights by
3 35 making changes to the membership of the council, permitting
4 1 access to the records of the department of workforce
4 2 development, and modifying the sex offender treatment and
4 3 supervision task force.

4 4 Under the bill, the governor's office of drug control is
4 5 granted authority to appoint a representative to serve on the
4 6 criminal and juvenile justice planning advisory council.

4 7 If not prohibited by any other state or federal law, the
4 8 bill gives the division of criminal and juvenile justice
4 9 planning access to the department of workforce development
4 10 records for the purpose of research and evaluation.

4 11 The bill repeals the sex offender treatment and supervision
4 12 task force established by the division of criminal juvenile
4 13 justice and planning pursuant to H.F. 619 during the 2005
4 14 legislative session, and establishes a new permanent sex
4 15 offender research council within the division. The new
4 16 council shall study the cost and effectiveness of special
4 17 sentences established under Code chapter 903B, risk assessment
4 18 models created for sex offenders, determining the best
4 19 treatment options for sex offenders, and the efforts by other
4 20 states to prevent sexual abuse, and other issues.

4 21 The bill provides that members of the council shall be
4 22 reimbursed for their actual and necessary expenses while
4 23 attending meetings of the council, and that expense moneys
4 24 shall be paid from the funds appropriated to the division of
4 25 criminal juvenile justice and planning. Legislative members
4 26 on the council shall receive payment as provided in Code

4 27 sections 2.10 and 2.12.
4 28 LSB 5175DP 82
4 29 jm/rj/8.2